

SUBJECT: State Board of Education redistricting

COMMITTEE: Redistricting — favorable, without amendment

VOTE: 8 ayes — Hunter, Goldman, Jetton, Landgraf, Morrison, Murr, Schofield, White

6 nays — Rose, Anchia, Guillen, Minjarez, Moody, C. Turner

1 absent — S. Thompson

SENATE VOTE: On final passage, October 4 — 21-10 (Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West, Whitmire)

WITNESSES: For — None

Against — Sergio Lira, Texas AFT; Ashley Cheng, TX AAPI Redistricting Coalition; Prerna Bhat, TX AAPI Redistricting Coalition and Wise Up TX; (*Registered, but did not testify*: Jerry Vattamala, Asian American Legal Defense and Education Fund (AALDEF); Eli Melendrez, Texas AFT; Susana Carranza; Elisa Gonzalez; Carol Wetterauer)

On — (*Registered, but did not testify*: Roli Cruz)

BACKGROUND: Under U.S. Const. Art. 1, sec. 2, an actual enumeration of the populations of each state is required every 10 years. This enumeration is carried out by the U.S. Census Bureau, which published results of the most recent census on August 12, 2021, after COVID-19-related delays changed its original plan to deliver redistricting data to the states by March 31.

Texas has a total resident population of 29,145,505 as of April 1, according to the results of the 2020 census. This is an increase of 3,999,944, or 15.9 percent, since the 2010 census. Dividing the resident population of the state by the 15 State Board of Education districts results in an ideal SBOE district of 1,943,034 individuals.

Texas Const. Art 7, sec. 8 requires the Legislature to provide by law for the SBOE. Education Code sec. 7.101 specifies that the board is composed of 15 members elected from districts in biennial general elections. Sec. 7.104 specifies that at each general election immediately following the decennial reapportionment of districts, one board member is to be elected from each district. Members serve staggered terms of four years, except that immediately following the decennial reapportionment, seven of these members are to serve two-year terms and eight members are to serve four-year terms, as determined by a drawing of lots.

Duties of the SBOE include establishing curriculum and graduation requirements, reviewing and adopting instructional materials, and reviewing the education commissioner's proposed award of new charter schools, with authority to veto a recommended applicant.

Election dates following redistricting. Under SB 13 by Huffman, enacted in the second called session of the 87th Legislature and effective December 2, 2021, Election Code sec. 41.0075 establishes dates for the candidate-filing period, general primary election, and primary runoff election for the 2022 election cycle contingent on the dates that applicable redistricting plans become law. Under SB 13, a redistricting plan will be deemed as "becoming law" on the earlier of the date that the governor signs an Act of the 87th Legislature relating to the composition of the State Board of Education, state legislative, or federal congressional districts or the date that the act becomes law without the governor's signature.

DIGEST:

SB 7 would adopt districts for members of the State Board of Education as described by PLANE2106 on the redistricting computer system operated by the Texas Legislative Council. The district plan would apply beginning with the primary and general elections in 2022 for SBOE seats in 2023.

The bill would state legislative intent that if any county, tract, block group, block, or other geographic area was erroneously omitted, a court reviewing the bill should include that area in the appropriate district in

accordance with the Legislature's intent. The bill would supersede all previous enactments or orders and repeal all previous acts of the Legislature adopting districts for the SBOE.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect on the 91st day after the last day of the legislative session.